

REMARKS

I. INTRODUCTION

Applicants appreciate the acknowledgement that claims 1-5, 9-16 and 18-22 are free of the prior art to the extent that the claims have been searched and examined as directed to the elected species.

Claims 1, 16 and 24 are currently being amended.

Claims 13 and 14 are canceled.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-5, 9-12, 15-16, 18-22 and 24 are now pending in this application.

The Examiner's attention is directed to claim 24. Claim 24 has not been canceled in this application, yet, the Examiner has not included claim 24 as a claim pending in this application. Claim 24 is directed to a number of species which are encompassed by the genus as the Examiner has searched and examined based on the original restriction requirement. It is respectfully requested that claim 24 be included in the claims examined and that the status of claim 24 is changed to pending.

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

II. THE OFFICE ACTION

A. Election/Restriction

The Examiner has limited the search and examination of the present application to compounds of Formula (I) where R⁹ is alkyl substituted with substituted or unsubstituted nitrogen and where R³ and R⁴, R⁴ and R⁵ or R⁵ and R⁶ do not combine to form a ring with all other definitions as set forth in the claim. In accordance with the scope of the invention

searched and examined, claim 1 has been amended to delete reference to compounds where R^3 and R^4 , R^4 and R^5 or R^5 and R^6 combine to form a ring.

B. Rejections based on 35 U.S.C. § 112, first paragraph

The Examiner has rejected claim 16 under 35 U.S.C. § 112, first paragraph as allegedly lacking adequate enablement for the entire scope of the claim. In particular, the Examiner does not find that the present specification enables “preventing a protein kinase related disorder.” Applicants respectfully traverse.

Without acquiescing to the position of the Examiner, claim 16 has been amended to delete the recitation of “or preventing.” Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

C. Claim Objections

The Examiner has objected to claims 15 and 18-22 as dependent upon a rejected base claim. It is respectfully urged that claim 1 has been amended to delete non-elected subject matter. Therefore, Applicants request that the objection to claims 15 and 18-22 be withdrawn.

D. Claims 13 and 14

The Examiner has not rejoined claims 13 and 14 because “they are not free of 112 issues” as stated in the Office Action. Claims 13 and 14 have not been rejected or even addressed in the present application. However, solely in order to expedite prosecution towards allowance, claims 13 and 14 have been canceled without prejudice or disclaimer.

III. CONCLUSION

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a

check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date Oct 20, 2003

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